

REMARKS/ARGUMENTS

Claims 1-3, 7-10 and 14-18 are pending in this application. The Examiner has rejected the claims based on Bonutti U.S. Patent No. 5,522,846. The Examiner is interpreting Bonutti such that the flat distal surface at the end of the pusher member of Bonutti is at an angle with respect to the tapered end portion of the pusher member. The Examiner asserts that Bonutti meets the claim limitation that the pusher member have an angled distal surface conforming to an angled surface of the anchor member when the anchor member is at least partly in the outer tubular member.

The Examiner further points out he has interpreted "longitudinal axis" as not being limited to a central axis perpendicular to the flat surfaces of the Bonutti cylindrical anchor.

In order to clarify the claims and to further distinguish Bonutti, Applicant has amended claim 1 to recite that the pusher member has an "angled distal surface comprising and being aligned with the angled surface of the anchor member when the anchor member is at least partly in the outer tubular member and wherein the anchor member has a central longitudinal axis in alignment with the longitudinal axis of the insertion tool when the anchor member is at least partly in the outer tubular member, the angled surfaces of the anchor member and the pusher member being disposed at an acute angle with respect to the central longitudinal axis." There is no teaching or suggestion of the now claimed subject matter in Bonutti. Furthermore, claim 15 has been amended to recite that the end planes of the cylinder-like member are disposed at an acute angle to a central longitudinal axis of the cylinder-like member, again patentably distinguishing Bonutti.

Applicant further points out that the Examiner's action with respect to claims 14 and 15 seems to have overlooked the previous amendment to these claims to eliminate the process limitations.

In view of the above, Applicant requests reconsideration and submits that the claims are now in condition for allowance, prompt notification of which is requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 29, 2005:

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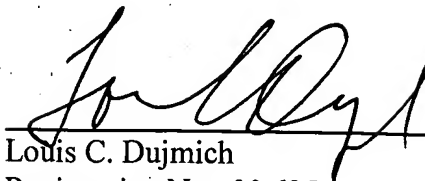


Signature

November 29, 2005

Date of Signature

Respectfully submitted,



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